

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**MARGARET SHERMAN, and
RICHARD SHERMAN,**

Plaintiffs,

v.

**SUNSONG AMERICA, INC., WINCO
FIREWORKS, INC., WINCO
FIREWORKS INTERNATIONAL, LLC.,
SHANGLI JIN XIN EXPORT
FIREWORKS FACTORY, and
WILLIAM LU,**

Defendants.

CASE NO. 8:04CV300

ORDER

The matter before the Court is on the Motion for Stay of Judgment Pending Appeal and Approval of Supersedeas Bond (Filing No. 381), in which the Defendants Winco Fireworks, Inc., and Winco Fireworks International, LLC, seek an order fixing the amount of a supersedeas bond to be filed by the Defendants and staying enforcement of this Court's Memorandum and Order on Attorney Fees (Filing No. 357) entered on March 27, 2007. The Defendants state that they "will post a supersedeas bond as ordered by the Court so that the plaintiffs are not prejudiced by a stay of the Court's Order (Doc. No. 357) pending the Cross-Appeal." (Filing No. 381, p. 2).

The Court sets the Defendants' supersedeas bond at \$32,019.87. However, pursuant to Rule 62(d) of the Federal Rules of Civil Procedure, a stay of judgment is effective when a court *approves* the supersedeas bond. Accordingly, the Court will not order a stay of judgment until approval of the supersedeas bond, and such bond will not be approved until it has been posted.

IT IS ORDERED:

1. The Defendants' supersedeas bond is set in the amount of \$32,019.87; and
2. The Defendants' Motion for Stay of Judgment Pending Appeal and Approval of Supersedeas Bond (Filing No. 381) is denied.

DATED this 11th day of June, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge